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COMMISSION ON HUMAN RIGHTS

Fiftieth session

SUMMARY RECORD OF THE 52nd MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 3 March 1994, at 10 a.m.

Chairman: Mr. van WULFFTEN PALTHE (Netherlands)

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The meeting was called to order at 10.25 a.m.

STATEMENT BY THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

1. Mr. AYALA LASSO (United Nations High Commissioner for Human Rights) said that he had great respect and admiration for the Commission on Human Rights: respect, because the Commission had, since its establishment in 1946, been striving to make one of the most important objectives of the United Nations a reality and admiration because, in its 48 years of existence, the Commission had played an exemplary role. The legal framework of conventions and declarations it had managed to create, enshrining standards of conduct in the area of respect for human rights, was remarkable, as were its vigilance and tireless work through working groups, special rapporteurs and its Sub-Commission, and its capacity to react to emergency situations.

2. Human rights were firmly established as one of the indisputable priorities of the community of nations. Their globalization and internationalization were also, undoubtedly, one of the substantive results of the Commission's efforts. Through its work, many injustices had been corrected, many deviations in human conduct had been rectified and many hopes had flourished. For that reason, the Commission deserved the gratitude of all mankind. For his own part, paying it the tribute it deserved was a duty which he accomplished with the greatest pleasure. He also wished to pay a special tribute to the Centre for Human Rights, so effectively directed by Mr. Fall.

3. As rightly noted by the Secretary-General, human rights permeated all United Nations activities, of which they were at once the foundation and the supreme goal. There was no doubt that human rights were becoming increasingly intertwined with other United Nations activities, the forthcoming World Conference on Women and the World Summit for Social Development being only two examples.

4. Largely due to the work of the Commission, the promotion and protection of human rights had become increasingly universal. The World Conference on Human Rights had been the most striking manifestation of the maturing of the human conscience and had triggered a determination to promote and protect all human rights which could justifiably be termed the "spirit of Vienna".

5. Inspired by that same spirit, the United Nations General Assembly had agreed, in December 1993, to establish the post of High Commissioner for Human Rights and, soon afterwards, had accorded to himself the high honour of exercising that function. In establishing that post by consensus, the Member States had endowed it with unprecedented moral and political authority, which could be gauged by the degree of acceptance it had won among non-governmental organizations and by the voices of the ordinary men, women and children who had expressed to him their hope for a better future.

6. The High Commissioner's mandate was, in one sense, extremely broad, but it also had clear limits. His moral and political authority, essential for the effective performance of his functions, would be determined by the extent to which he remained within the limits of his mandate. As the first incumbent of the post, he would strictly respect those limits and faithfully follow any political guidelines that might be given him by the General Assembly, the

Economic and Social Council and the Commission on Human Rights. He would also be acting under the direction and authority of the Secretary-General, bearing in mind, at all times, the provisions of the Charter of the United Nations and of the applicable instruments, particularly the Universal Declaration of Human Rights. He would be impartial and objective, and his actions would not be motivated by undesirable selectivity or improper political considerations.

7. The World Conference on Human Rights had affirmed the principle of the universality of human rights and their indivisibility, interdependence and interrelatedness; it had further affirmed that the international community must treat human rights globally, in a fair and equal manner, and with the same emphasis on each of them.

8. The duty of States, regardless of their political, economic or cultural systems, to promote and protect all human rights and fundamental freedoms had also been clearly established. It had, indeed, been affirmed that national and regional particularities and historical, cultural and religious backgrounds must be adequately borne in mind and he was convinced that the harmonious coordination of respect for human rights and regard for national and regional particularities could result, through the appropriate and judicious choice of means and procedures, in a constant improvement in standards and levels of acceptance and respect for all human rights and fundamental freedoms. There was a common heritage of mankind in that area which was already clearly identifiable and towards which the aspirations of all were directed, a heritage which must be enriched by the different cultures, traditions and histories and not limited in its universal scope. He would endeavour to harmonize those concepts in an appropriate manner and transform them into practical realities satisfactory to all.

9. At the World Conference, it had also been decided that the same treatment and emphasis should be given to civil, cultural, economic, political and social rights, and particular interest had been expressed in the right to development. He would proceed strictly in accordance with that decision. The Commission had been working in that area for many years. Some principles relating to the right to development had been agreed upon, but the significance and extent of that right had still to be explored. He would seek to strengthen in practical terms the interdependence between democracy, development and human rights.

10. The growing awareness of the need to base international security on the triad of democracy, development and human rights had been reflected in greater participation by international institutions in programmes to promote fundamental rights. He had been entrusted with the immense task of coordinating those activities within the United Nations systems and, in that connection, he wished to mention the important work being carried out by UNESCO, ILO, WHO, FAO, UNDP, UNICEF, UNHCR and, of course, the United Nations Secretariat. Coordination would be directed towards ensuring the common objective, and that would have a multiplying effect in terms of benefits and would avoid unnecessary duplication. He would draw upon the experience of the United Nations bodies and try to help them to be as effective as possible in the area of human rights.

11. To fulfil his mandate, he would need the cooperation and support of all concerned. To that end, he would maintain a close dialogue with all Governments, with the organizations of the United Nations system, and other intergovernmental organizations, with national human rights organizations, with non-governmental organizations, with the mass media and with all worthy men and women working for the cause of human rights. His attitude would be one of constant vigilance, openness and initiative.

12. He intended to invite all Governments to open their doors to him in a friendly manner so that, together, they could consider in a frank and unbiased way all human rights issues. In such dialogues, he would not fail to demonstrate his belief in the advantages for all of universal adherence to the international human rights instruments.

13. He would attach particular importance to the issues which had been emphasized at the World Conference, without impairing the balanced consideration that they all merited. He would endeavour to promote the practical exercise of the rights of women and children. Similarly, he would seek to step up joint action on behalf of indigenous peoples to ensure that their rights were adequately recognized and respected, in which connection he welcomed the proclamation of the International Decade of the World's Indigenous Peoples. Arbitrary detention and torture would be among his immediate concerns. He would endeavour to increase respect for the right to express and communicate views. He would also do everything possible to heighten awareness of the need to combat racial discrimination, intolerance and xenophobia, particularly as directed against ethnic minorities and migrant workers.

14. In accordance with his mandate, he would assume general supervision of the Centre for Human Rights and work in close cooperation with its Director to ensure its effectiveness. The Centre was the Organization's main instrument for the promotion and protection of human rights. He would endeavour to broaden the advisory and technical services as far as possible in order to satisfy, in a timely manner, the requirements of those requesting them. The political will on the part of all States - particularly those that were able to contribute - should take the form of a growing and sustained financial support, which was essential if the Centre was to cope with the immense task facing it. He was encouraged by the favourable attitude he had encountered in many Member States.

15. It was necessary to take special steps to meet the needs of States concerned to strengthen institutions that were basic to the respect for human rights. Support for establishing national infrastructures for the promotion and protection of human rights, strengthening legal systems to ensure effective administration of justice, and training government officials and police personnel was already being given by the Centre and must be expanded and reinforced.

16. It was very important to enhance the effectiveness of the human rights treaty bodies and he would be cooperating closely with the experts involved. He would also bear in mind the suggestions put forward by the Commission

with regard to monitoring the situation of human rights and cooperating with rapporteurs, and would look into the viability of an "early warning" mechanism for protecting human rights.

17. Non-governmental organizations had worked resolutely to contribute to the cause of human rights. He was anxious for their cooperation so that efforts could be combined and concrete results achieved. He thus called upon all NGOs to maintain an attitude that would ensure ongoing coordination and cooperation.

18. The role of the communication media in promoting and protecting human rights was both important and heavy with responsibility. In his relations with them, he would emphasize the need to inform and guide, while at the same time promoting a process of collective improvement.

19. Human rights information and education were the best ways of making everyone a direct participant in the collective process of promoting and protecting human rights. He proposed to give the greatest attention to the human rights education decade, an initiative which, he hoped, could be completed at the proper time by the General Assembly.

20. The Commission would be one of his constant guides. He would seek to ensure the closest cooperation with it and with all the other United Nations institutions active in the field of human rights in order to guarantee a coherent, coordinated and complementary approach. He would collaborate with the Commission to ensure that its work was constantly strengthened and had noted the ideas and suggestions put forward in that regard.

21. At the same time, his profound moral convictions would also guide him in his work. Faith in the overriding importance of the human being and his or her aspirations for betterment together with the hope that all human rights would be unconditionally respected always and everywhere, would be his constant guide.

22. On the eve of the twenty-first century, there was a worldwide movement in favour of human rights. Every State bore a basic responsibility to contribute to that noble cause, a task that history would judge. He thus called upon all States to renew their solemn commitment to work tirelessly towards the promotion and protection of human rights.

23. He had been told that his was an impossible mission. The same pessimism had characterized the beginning of the World Conference on Human Rights, which had nevertheless been a success. He also recalled the scepticism prior to the adoption of the resolution establishing his post. It was clear that, with a spirit of cooperation and compromise, even seemingly insurmountable barriers could be overcome.

24. He appealed to all concerned to maintain that spirit and provide him with his most valuable resource: the sincere desire of States to enhance the dignity of human beings by ensuring the promotion and protection of their rights.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 12) (continued) (E/CN.4/1994/3-6, 7 and Corr.1 and Add.1-2, 8, 46-61, 97, 102-104, 110, 115 and 119; A/48/526 and Add.1, 561, 562, 578, 584, 600 and Add.1 and 601; E/CN.4/1994/NGO/7, 9, 12-15, 22-24, 26, 28, 29, 37, 40, and 42-44)

Statements in exercise of the right of reply

25. Mr. MALAGA (Peru) said that certain non-governmental organizations, basing their conclusions on inaccurate information, had misrepresented the human rights situation in his country and had failed to acknowledge the progress that had been made there.

26. In its most recent report (E/CN.4/1994/26), the Working Group on Enforced or Involuntary Disappearances had noted 10 cases of disappearances in Peru. Of those cases, three had been clarified. In addition, as the report mentioned, 97 pending cases had been clarified on the basis of information provided by the Peruvian Government.

27. An assertion had been made at the Commission's 50th meeting that the thesis that Peru had made substantial improvements in its human rights record was unacceptable and untrue. In fact, that thesis had been publicly supported by the Coordinadora Nacional de Derechos Humanos of Peru - an organization that grouped more than 36 Peruvian NGOs, by competent regional and international organizations, and by experts who had recently visited Peru. In fact, it was generally recognized that there had been a significant reduction in the number of human rights violations.

28. The international community was aware of the climate of violence imposed on Peru by terrorists and the inability of the judiciary, until quite recently, to enforce the appropriate penalties for their brutal crimes. To respond to those exceptional circumstances, his Government had enacted legislation to combat terrorism and prevent the collapse of the country. As a result of the gradual return of public order and the dismantling of the terrorist groups, his Government had been modifying the anti-terrorist legislation so as to advance the process of pacification.

29. Mr. OMAR (Observer for Ethiopia) said that he wished to respond to the statement made by the representative of Anti-Slavery International. The individual who had actually made that statement was the head of a political organization, whose purpose was to oppose the Government and the democratic transition of his country. Masquerading as a human rights advocate, he had used the consultative status of Anti-Slavery International to address the Commission in an endeavour to advance his own political interests.

30. After the ravages of a civil war, gross human rights violations and social displacements, Ethiopia had begun the process of restoring peace, stability and democracy. The transitional-period charter, the supreme law

of the country, upheld the right of peoples to self-determination and had incorporated the Universal Declaration of Human Rights, emphasizing in particular the freedoms of expression, movement, belief, development of individual languages and cultures, and the principle of judicial independence.

31. Since its establishment, the transitional Government of Ethiopia had taken various legal and administrative steps to ensure full respect for individual and collective rights. It had ratified the International Covenants on Human Rights and the Convention against Torture, had issued proclamations for the establishment of an independent judiciary, and had introduced the legal remedy of habeas corpus. New police officers were being trained to respect the basic rights of civilians. Those and other measures, which conformed to internationally recognized standards, had helped to protect individuals against arbitrary detention, involuntary disappearances, summary executions and other abuses.

32. Contrary to the allegations against his country, and as confirmed by many international observers, an unprecedented freedom of expression prevailed in Ethiopia. The new press law had enabled numerous publications to carry out their work without censorship. That freedom was not without limits however, and a few editors had gone beyond those limits and had published materials that were defamatory, pornographic or an incitement to conflict. They had been brought to justice.

33. The Ethiopian people was enthusiastically engaged in the debate on the draft constitution, the adoption of which would lead to the establishment of a popularly elected Government ... .

34. The CHAIRMAN reminded participants that the Commission had set time-limits for statements in exercise of the right of reply, which must also be restricted to refuting the allegations made.

35. Mr. MORA GODOY (Cuba) said that the representative of a non-governmental organization alleged that the number of political prisoners in Cuba had increased. Clearly he had not read the document made available by the delegation of Cuba the previous day, based on information from the United States, which stated that some of the so-called political prisoners had been reintegrated into Cuban society while most of them were attracted to the United States way of life. Unfortunately, the latter had been unable to fulfil their dream of going to the United States owing to a lack of visas.

36. With regard to the statement by another non-governmental organization to the effect that most political prisoners in Cuba were young, he said that more than 60 per cent of his country's population was under 35 years of age. That demonstrated above all that the Cuban revolution was young and strong, as were the positions it adopted. With respect to the pastoral letter published by the Cuban bishops, his delegation respected the clergy and its hierarchy but above all it respected believers who loved their people rather than those who adopted a Cain-like attitude.

37. The representatives of three non-governmental organizations had referred to the need to lift the blockade and to establish a dialogue with the Government of Cuba. One of them had expressed the hope that the dialogue

that the Government had begun with representatives of the Cuban community would be extended to include other authentic and representative Cuban groups. He was able to assure those organizations that his Government's dialogue would be directed towards improving its relationship with the genuine Cuban community that was primarily interested in the independence and survival of the country.

38. Mr. CANKOREL (Observer for Turkey), said that he wished to refer to the statement made at the previous meeting by the representative of the European Union. That representative had asserted that martial law was in force in large areas of Turkey, which was not the case. There was, in fact, a state of emergency in a limited number of provinces as a result of acts of violence and terrorism committed by an aggressive terrorist organization. His delegation strongly objected also to the allegation that torture was systematically practised in Turkey. The Committee against Torture had stated in its report that only a small number of cases of torture had been established with absolute certainty.

39. He had been most surprised by the reference to constraints on the right to freedom of expression in his country, where the private and public mass media enjoyed almost limitless freedom. Turkey was an exceptional country in which a terrorist organization could exercise its right to freedom of expression in its well-known publications in the national language and not just in languages spoken solely by small ethnic groups. The laws were certainly enforced if and when those publications contained incitement to violence. He took the opportunity of expressing his Government's satisfaction at the measures adopted by some of the member countries of the European Union to outlaw the activities of the terrorist PKK organization. It urged the other members of the Union to do likewise.

40. As for the question of Cyprus, it was regrettable that the representatives of the Turkish Cypriot people were not allowed to take part in the Commission's deliberations. A founding co-partner of the Cypriot State, the Turkish Cypriot community had been subjected by the other partner to every conceivable form of aggression, including mass murder, enforced disappearances and a total war of attrition intended to force the Turkish Cypriots to submit to Greek Cypriot domination. Having resisted that oppression, the Turkish Cypriots were determined to accept no further impositions but only a negotiated settlement, for which ... .

41. The CHAIRMAN said that the speaker had exceeded the time allotted for the right of reply.

42. Mr. SAHLOUL (Sudan), said that the statement made to the Commission by Mr. Abu Eissa on behalf of the Arab Lawyers Union (ALU) had repeated allegations frequently levelled against the Sudan by circles hostile to the people and Government of the country. To be worthy of its title, the Arab Lawyers Union should monitor violations of human rights in its region. Instead, it had allowed itself to be drawn into internal Sudanese affairs by an ambitious ex-politician who had set his sights on summits he would never achieve.

43. The fact that ALU concentrated its venom on the Sudan was a contravention of its mandate and the manner in which it addressed the Commission with regard to the Sudan was an abuse of its observer status. A few days previously, a Western newspaper had referred to the state of affairs in another country in the region. It had said that "summary hearings are followed by mass executions" and mentioned "the widespread police raids, torture of suspects, military trials and executions and refusal to deal with any of the underlying social problems". However, the Secretary-General of ALU, turned a blind eye to what happened elsewhere in the region. The representative of ALU had, indeed, referred briefly under agenda item 10 to the ... .

44. The CHAIRMAN said that the speaker was out of order, since the Commission was considering item 12 of its agenda.

45. Mr. NGOMO MBENGONO (Observer for Equatorial Guinea), said that he wished to refer to fallacious statements made at the previous meeting by the representative of the Social Democracy Convergence Party of Equatorial Guinea. That representative had frequently advocated the use of force against the people and Government of his country with a view to promoting human rights. While his delegation attached great importance to non-governmental organizations and was aware of the essential role they played, it could not accept an NGO that advocated violence and aggression against a country's Government and people.

46. In that connection, he drew attention to the multi-party elections that had been held in his country and to the fact that they had taken place in peaceful and orderly conditions. It should also be noted that the country was moving towards a pluralist regime where all its citizens would be able to enjoy human rights and fundamental freedoms.

47. Mr. HOHENFELLNER (Austria) said that, in the course of the years, the European Court of Human Rights had repeatedly expressed its views concerning violations of the European Convention on Human Rights by agents of the Austrian authorities. His Government always gave the necessary follow-up to such judgements. That was also true with respect to recommendations of the Human Rights Committee and to cases of individual communications under the Optional Protocol to the International Covenant on Civil and Political Rights or under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In other cases, where violations were pointed out by non-governmental organizations, his Government engaged in a dialogue with those bodies. Thus, when it spoke of the "legitimate concern" of the international community with questions of human rights, it did not do so lightly.

48. The agenda item under consideration provided a particular opportunity of considering the situation of human rights in various countries of the world. The Commission received from its growing number of rapporteurs, experts and working groups not only a considerable amount of information about the human rights situation in the world but also some important conclusions and recommendations. Its primary concern was to address situations where national infrastructures were clearly insufficient to provide for the effective enjoyment of human rights or where there was inadequate political will towards fulfilling international human rights obligations.

49. In that regard, the situation in Iraq continued to give rise to the gravest concern particularly the repression of the Kurds in the north and the Shia population of the southern marshes. The Government of Iraq was deliberately targeting non-combatant civilians in its efforts to secure control over the areas in question. Furthermore, the number of disappearances were still extremely high. It was thus highly regrettable that the Special Rapporteur on the situation of human rights in Iraq was still being prevented from carrying out his mandate.

50. Serious human rights violations continued in Iran, notably long-term political imprisonment after summary trials, the widespread use of torture and the death penalty. The right of freedom of belief was systematically violated. The Iranian Government continued to deny the Commission's Special Representative access to the country and, he appealed once again for the implementation of the Commission's recommendations in order to ensure such fundamental human rights as those to life and freedom of expression. In that regard, the reaffirmation of the death threat against Salman Rushdie was a gross contradiction of the right to freedom of expression.

51. With respect to the situation in Myanmar, his Government was concerned not only at the continuing disappearances, torture and arbitrary detention of journalists but also at the continued detention of the Nobel Peace Prize Laureate Aung San Suu Kyi.

52. With regard to China, his delegation was following with great attention the growing signs that the Government wished to undertake a dialogue both bilaterally and with the relevant United Nations mechanisms. Such a dialogue should help to bring about improvements in the human rights situation in that country, particularly with respect to the thousands of political prisoners and the inadequate judicial system.

53. Such a dialogue was missing between the Special Rapporteur on the situation of human rights in Cuba and the Cuban authorities and his delegation urged the Government of Cuba to cooperate fully with the Special Rapporteur.

54. In Algeria, serious human rights violations had been reported throughout 1993. That was especially true with regard to the right of freedom of expression. A number of journalists and authors had either been murdered or intimidated by extremists for their defence of that right.

55. With regard to situations where violations of human rights formed part of a larger problem, he said that the scale of atrocities and human rights violations in the territory of the former Yugoslavia, especially in Bosnia and Herzegovina surpassed all description. Notwithstanding the recent cease-fire agreement, his delegation was particularly concerned at the continued fighting and ethnic cleansing. His delegation appreciated the valuable work of the Special Rapporteur, who continued to provide a clear and accurate picture of the catastrophe, and urged him to continue with his task.

56. The international community must continue to deal with the escalating human rights violations committed by the authorities of the so-called "Federal Republic of Yugoslavia" and the Serb paramilitary and self-defence forces in the Kosovo and Sandjak regions.

57. His delegation deplored the deterioration in the situation of the civilian population in the Sudan. Unfortunately, the Special Rapporteur on the situation of human rights in the Sudan had not been able to carry out his mandate with the necessary full support of the Government of that country. While that Government was entitled to express its divergent views, reports by special rapporteurs were evaluated by the international community and their independence was essential. Threats against a special rapporteur were quite unacceptable.

58. His Government deeply deplored the renewed fighting in Afghanistan, which had made it impossible for the Special Rapporteur to visit the country. Nevertheless, reports from Afghanistan told of severe suffering of the civilian population, widespread human rights abuses and renewed flows of refugees and internally displaced persons.

59. Internal and external conflicts also characterized the situation in many areas and States in the territory of the former Soviet Union, frequently leading to a range of human rights violations. In that regard, he referred to arbitrary killings, large-scale destruction and mass exoduses in Armenia, Azerbaijan, Tajikistan and Georgia. There were also reports of human rights violations in Turkmenistan and Uzbekistan.

60. A number of African countries were still involved in conflicts that gave rise to serious human rights violations. In Angola, UNITA's rejection of the results of the United Nations supervised elections and its resumption of the war must be regarded as a total negation of human rights and fundamental freedoms. The coup d'état of October 1993 in Burundi had been a serious setback to what had appeared to be promising reforms. Serious problems persisted in Rwanda, Zaire, Equatorial Guinea, Liberia and Malawi. The situation in Somalia had highlighted the relationship between human rights and peace-keeping. Those two United Nations activities should be brought closer together.

61. His delegation was concerned at widespread human rights violations in Turkey including the use of torture and the arrest and disappearances of political activists. While recognizing the difficult situation the Government faced in south-east Turkey and condemning all acts of violence and terrorism, it reminded the Government that terrorism must be combated respecting the rule of law and the international standards of human rights. The division of Cyprus was itself a human rights violation.

62. Recent developments in Guatemala had given rise to hopes that the human rights situation there would improve, but human rights violations continued to occur and their perpetrators remained unpunished. Despite significant advances towards respect for human rights, democratization and peace in El Salvador, there were distressing reports of killings by death squads and of insufficient steps to bring the perpetrators to justice.

63. Though encouraged by the efforts being made in South Africa to eradicate apartheid and all forms of racial discrimination, his delegation was none the less concerned at the current level of violence there. It had already delivered comprehensive statements on that subject and on the situation in

the Israeli occupied territories. The shocking massacre at Hebron must not endanger the Middle East peace process. His delegation fully endorsed the statement made by the Chairman on behalf of the Commission in that regard.

64. His delegation had high hopes for the new Government of Cambodia. It supported the current efforts to ensure an independent judiciary and a properly trained and regulated police force. The new Phnom Penh Office of the Centre for Human Rights must be provided with the necessary human and financial resources. His delegation also noted the comprehensive reforms in Albania, Paraguay and Romania, particularly with regard to the legal system and security services, and that the Centre for Human Rights was providing the Governments concerned with valuable assistance.

65. The Government of India was cooperating with the International Committee of the Red Cross (ICRC) and Amnesty International in preparing for an international presence in the Jammu and Kashmir and Punjab regions. That was a welcome development which would provide a clear indication of future action to be taken. His delegation also wished to reiterate its appreciation to the Government of Sri Lanka for allowing the representative of the Secretary-General on internally displaced persons and the Special Rapporteur for extrajudicial, summary or arbitrary executions to visit the country.

66. In all the situations he had mentioned, there was a need for a more comprehensive and integrated approach to the international protection of human rights, as advocated by the Vienna Declaration and Programme of Action. That could be achieved through closer cooperation by Governments with the international human rights system, particularly its special mechanisms, and among those mechanisms themselves. The capacity of the international human rights system to prevent violations must also be strengthened through dialogue and cooperation; action-oriented measures; and improved integration into programmes of advisory services and technical assistance. The new High Commissioner for Human Rights, who had just made a very impressive statement, would certainly find effective answers to those challenges.

67. Mr. AKHUND (Pakistan) said that his Government was strongly committed to the protection and promotion of human rights, particularly those of vulnerable groups such as women and children. Its task was at times impeded by the slowness of the democratic process and by the poverty and social backwardness of its people. Awareness-building and the achievement of consistency with international human rights law were major components of the Government's human rights programme.

68. The ethnic and nationalist conflicts in the territories of the former Soviet Union and the former Yugoslavia, and conflicts in areas where the right to self-determination was suppressed were shocking examples of human rights violations caused by armed conflict. The presence of United Nations peace-keepers in Bosnia and Herzegovina had at times served as an excuse for inaction against the aggressors. The Commission must help towards a new consensus on the establishment of peace and justice there. The siege of Sarajevo and other Bosnian towns must be lifted; and the crimes committed, particularly ethnic cleansing, must not go unpunished.

69. Despite the absence of television cameras in Indian-occupied Kashmir the world had learned of the serious human rights violations taking place there. The Kashmiri struggle for self-determination had been met by ruthless repression, thousands of Kashmiris had lost their lives and thousands more were in Indian jails. Women had been raped; whole villages had been torched; and summary executions, torture, deaths in custody and indiscriminate attacks on peaceful demonstrators were routine. International human rights organizations, including Amnesty International and Asia Watch, journalists, jurists and diplomats had reported on the situation.

70. On the eve of bilateral talks held at Islamabad in January 1994, India had launched a major military operation in Sopore, killing 50 Kashmiris and injuring over 200. Two weeks later, one third of Sopore had been set on fire by Indian troops, leaving thousands of Kashmiris homeless in the dead of winter. Recently, 22 people had been killed in a market-place.

71. The horrible abuses taking place in Kashmir were not aberrations by security forces but rather were consistent with India's policy of State terrorism, based on Draconian laws that gave the security forces licence to kill, arrest without warrants, interrogate and detain persons for indefinite periods. Under the Terrorist and Disruptive Activities Act, the property of an accused person could be attached, even before trial; a person who provided financial assistance to a person "suspected" of terrorist acts could be jailed; trials in special courts were held in camera; and security forces were granted complete immunity from prosecution. Such absolute and arbitrary powers were not justified in any circumstances and were certainly not compatible with the rule of law.

72. The world community must not remain silent. It was faced with overwhelming evidence from independent sources. The Indian Government had mounted a massive campaign of disinformation and dissuasion, hoping the Commission would not take action. It accused the Government of Pakistan of supporting a "religion-based campaign of terror" - an attempt to play on the anti-fundamentalist and anti-Muslim phobia of a number of Western countries. The Indian Government had not produced a shred of evidence to substantiate its accusations. On the contrary, it had refused to allow any impartial inquiry into its own allegations.

73. Four European Ambassadors had recently been taken on a day trip to Srinagar but they had been unable to visit the sites of recent massacres, including Bijbehara, Sopore and Kupwara. They had not seen any of the 20,000 Kashmiri prisoners held in Indian jails and detention centres and had not met the leaders of the All Parties Hurriyat Conference, who were imprisoned in New Delhi. Nor had they visited the notorious interrogation centres.

74. The International Committee of the Red Cross (ICRC) had received permission to visit Kashmir after a three-year delay, but it would not be allowed to protect imprisoned Kashmiri freedom fighters under the Geneva Convention relative to the Treatment of Prisoners of War (Third Geneva Convention). Similarly, Amnesty International would be able to visit Jammu and Kashmir only on a case-by-case basis and would have to convince India of its "fairness" before it could even do that. All the Indian gestures towards

"openness and transparency" had been made in the past two weeks and solely as a result of comments made in the Commission. Clearly, the Indian Government hoped its gestures would forestall any action by the Commission.

75. Peoples struggling for their legitimate right to self-determination were not terrorists. India's accusations that the Kashmiris were resorting to terrorism were thus baseless as were the allegations that Pakistan provided military assistance to the Kashmiris. The Kashmiri struggle was indigenous; no outside power could persuade people to risk their lives for a cause in which they did not believe.

76. As a first step towards the restoration of peace, a United Nations fact-finding mission should be sent to the territory of Jammu and Kashmir. It must have completely free access to the area in order to conduct a thorough investigation into the human rights situation there. He hoped that the Commission would endorse that proposal. If the Commission took no action to help the Kashmiri people, India would feel free to pursue its campaign of repression even more ruthlessly.

77. Mr. SANCHEZ ARNAU (Observer for Argentina) said that his country enjoyed close and friendly ties with Cyprus. As a contributor to the United Nations Force in Cyprus (UNFICYP), the Government of Argentina was supporting efforts to find a just and lasting settlement between the parties. It thus regretted the disappointing results of the joint meetings.

78. The Secretary-General's report (E/CN.4/1994/46) gave a good account of the situation in Cyprus, especially concerning respect for the international human rights instruments and the implementation of United Nations resolutions on Cyprus, in particular Security Council resolution 789 (1992), which outlined confidence-building measures to be taken with a view to achieving a settlement based on international law.

79. The Commission resolutions calling for the return of the refugees in secure conditions; inquiries into cases of missing persons; and the restoration of human rights in Cyprus had not produced encouraging results. His Government's position was firm in that regard. It continued to support the Secretary-General's mission of good offices. It also supported the Security Council decision to conduct a thorough review of the situation on the basis of the Secretary-General's report and, if necessary, to consider new alternatives for promoting the implementation of its resolutions on Cyprus. It also welcomed with satisfaction the decision of the European Union to appoint an observer to the Cyprus peace talks.

80. His delegation hoped that the discussions to be pursued at Nicosia with the Secretary-General's representatives, based on the basis of the Set of Ideas, would provide the necessary impetus for a meaningful discussion of the Cyprus issue. In that connection, it urged that certain positions should be abandoned in order to achieve the hoped-for agreement.

81. Mr. ALDOURI (Observer for Iraq) said that, in a world characterized by the unipolar hegemony of one State, the question of human rights was being used to further private interests and had become a bargaining chip used by a well-known international monopoly. In that context, human rights were not

associated with peace but rather with threats, blackmail and discrimination against States. The international community had a humanitarian obligation to help nations overcome their problems, including their human rights problems.

82. In the case of Iraq, however, false allegations had been made in order to destroy its national unity and, most regrettably, the Special Rapporteur on the situation of human rights in Iraq had deliberately propagated those allegations. He was clearly neither neutral nor objective and his sole aim was to smear the reputation of Iraq. Whenever the Security Council was about to review the sanctions imposed on Iraq or international sentiment seemed to be more favourable, he injected a note of hostility.

83. His allegations concerning the "marsh area" (E/CN.4/1994/58, paras. 75 and 76) lacked credibility. The fact was that the Iraqi authorities had had to take steps to subdue criminals, deserters and infiltrators from Iran into the marshland, where they committed crimes and jeopardized the safety of Iraqi people. The Special Rapporteur's accusation that Iraq had undertaken agricultural and irrigational projects in order to dry up the marsh area (paras. 126-129) showed his disrespect for Iraq's right to development and for the economic rights of its people. In fact, the projects in question were based on studies and plans drawn up by nationals of various Western countries as far back as 1954.

84. The Government of Iraq was also unfairly blamed for the situation in the northern part of the country, an area which had slipped out of the central authorities' control. Iraqis living in that area were the victims of fighting between armed gangs which enjoyed the protection of certain countries.

85. He wondered, incidentally, why attention was focused on the treatment of Iraqi Kurds and nothing at all was said about the Turkish Kurds being killed in full view of United States and Western European forces. One need only compare the situation of Kurds in neighbouring countries in order to appreciate the generosity of the Iraqi Government towards its Kurdish population.

86. The Special Rapporteur's continuous call for the deployment of human rights monitors in Iraq (para. 190 (u)) set a dangerous precedent of interfering in States' international affairs and threatening their territorial integrity. Third world States, in particular, should protest.

87. It was astonishing that the Special Rapporteur should assert that the human rights repercussions of the economic blockade did not fall within his mandate while, on the other hand, he held Iraq responsible for the disruption of the electricity supply in Dohouk, never mentioning that the gangs he was defending had dismantled electricity pylons and that Iraq had been denied its right to import spare parts. The report which, as usual, had been issued late, referred to outdated legislation and contained unconfirmed information provided by hostile parties having ties with Iraq's neighbours or with certain major Powers that were known to have their own political agendas. The Special Rapporteur asserted that Iraq had not replied to his queries, even though a note addressed by the permanent Mission of Iraq to the Centre for Human Rights

in February 1993 had just been circulated, the pretext for the delay being that it had been impossible for the Centre to translate and distribute it earlier.

88. The Special Rapporteur referred to the so-called immunity from prosecution granted to members of the Baath Party and security forces in their pursuit of thieves and criminals (para. 25). Since thefts and burglaries had increased as a result of the situation brought on by the blockade, local populations had voluntarily formed self-protection groups. The State had issued a decree absolving them of criminal liability but that exemption was not unlimited. It was subject to legal procedures that would guard against its exploitation for personal objectives. In fact, the Special Rapporteur was placing a great deal of emphasis on what had amounted to a few isolated incidents.

89. The inaccuracy of the Special Rapporteur's investigation and his lack of neutrality were further illustrated by the fact that he had seen fit to abandon the allegations made in his previous reports concerning the "indigenous population" of the marshlands and the use of chemical weapons. As for the Special Rapporteur's contention that the documents in his possession could not possibly have been forged because the cost would have been prohibitive, it should be remembered that tens of billions of dollars had been spent on destroying Iraq, financing gangs to undermine its national unity and spreading propaganda to distort its image, so there was no reason why huge sums should not have been spent on forging documents also.

90. Reminiscent of the scenario concerning throwing babies out of incubators in Kuwait, the latest lie related to the decapitation of a mentally retarded child in northern Iraq in 1988 and was currently being used to stir up anti-Iraq sentiment. The Special Rapporteur's repeated references to the Iraqi Head of State and national institutions was further evidence that he was the tool of certain States which sought to change Iraq's political regime. The Commission and the non-governmental organizations must thus be very careful about believing the material contained in the Special Rapporteur's report, much of which had been included for its emotional effect.

91. The citizens of Iraq had suffered enough violations of their human rights as a result of the embargo imposed by the United States and its allies. The Charter of the United Nations did not authorize economic measures that would destroy an entire population. The Commission must call upon the Security Council to lift the economic blockade on Iraq and cease its unjust accusations, which were an attempt to fragment Iraq and humiliate its population.

92. Mr. HELMIS (Observer for Greece) said that, 20 years after the Turkish invasion, Cyprus was still divided, with 37 per cent of its territory still occupied. It had been hoped that the agreement on confidence-building measures, proposed by the Secretary-General and introduced by Security Council resolution 789 (1992), would improve the atmosphere between the two communities and thus make progress towards a just, viable and functional solution of the issue possible but, once again, the intransigent attitude of the Turkish Cypriot leader, Mr. Denktaş, had frustrated those efforts. In his report to the Security Council (S/26438) of 14 September 1993, the

Secretary-General had indicated that the Turkish side had not shown the good will and cooperation required; in its reply to the Secretary-General, the Security Council had also expressed concern and disappointment.

93. Security Council resolution 889 (1993) reaffirming that the status quo in Cyprus was unacceptable and supporting the Secretary-General's initiatives, had given new impetus to his efforts, however, which had finally resulted in an approval in principle of the confidence-building measures by Mr. Denktaş also, the President of Cyprus, Mr. Clerides, having accepted them in June 1993. While hoping an agreement could soon be reached, his delegation noted that the views expressed by the Turkish Cypriot leader on the modalities of the implementation of the confidence-building measures raised serious doubts about the prospects of success of the negotiations.

94. In occupied Cyprus, the right to settle, to move and to acquire property were still denied to both Greek and Turkish Cypriots. The 200,000 Greek Cypriots who had been forced to flee the northern part of the island as a result of the Turkish invasion were still refugees in their own country. They had lost their homes, and their properties had been distributed to persons recognized as legal owners only by the Turkish Cypriot illegal entity. Under the confidence-building measures, the Secretary-General suggested that some Greek Cypriot owners could reclaim their property in the fenced area of Varosha, which had been a ghost town since the 1974 invasion. But the Turkish Cypriots had again raised so-called "security concerns".

95. The Turkish and Turkish Cypriot measures to change the demographic composition of the island were still being applied. According to Turkish Cypriot estimates, by the end of 1993, the number of settlers who had been transferred from Turkey to the occupied part of the island had reached 80,000. More than 60,000 Turkish Cypriots had been forced to emigrate, thus allowing the non-indigenous population to attain the absolute majority in occupied Cyprus, because 35,000 Turkish soldiers were also permanently stationed there.

96. After the Turkish invasion of 1974, 22,000 Greek Cypriots had remained in the enclave areas of Kyrenia and Karpasia. The occupation army had forced most of those persons to abandon their ancestral homes and seek refuge in the free areas, and only 728 inhabitants still remained in their native villages, the victims of oppression, discrimination, continuous harassment and violent acts.

97. Another dramatic violation had been the systematic looting of the cultural heritage of occupied Cyprus. Invaluable treasures had been smuggled out of the country or destroyed in an effort to erase history and culture. Place names that had stood for 1,000 years had been changed by decree in order to create a false impression of the historical and cultural identity of Cyprus. At a time when the practice of ethnic cleansing was being denounced, it was the duty of the international community to declare that the policies being carried out in Cyprus would no longer be tolerated. In particular, the tragic cases of 1,619 missing Greek Cypriots and Greeks had still not been resolved. It was to be hoped that the recent reactivation of the Committee on Missing Persons in Cyprus (CMP) would bring positive results and that its work would not be hampered by the Turkish Cypriots.

98. Mr. DICQUEMARE (International Federation Terre des Hommes), speaking on behalf of 27 non-governmental organizations*, said that the proliferation of anti-personnel mines throughout the world had become a major plague necessitating urgent action. He welcomed Commission resolution 1993/83 and General Assembly resolutions 48/7, 48/75, 48/79 and 48/157 addressing the issue and was pleased that the United States of America, France and Belgium had declared a moratorium on the export of anti-personnel mines.

99. The international community must make a much firmer commitment to attenuate the daily devastation caused by those weapons. It was estimated that more than 100 million anti-personnel mines were in place throughout the world and another 100 million were stored and ready for use. More than 20 States were seriously affected. Every month, at least 800 persons were victims of those weapons, and since 1975, anti-personnel mines had caused more than a million deaths and injuries, in particular among civilians, women and children.

100. Unlike a gun, which a soldier could decide to use or not to use and which was unloaded and put away once peace was restored, anti-personnel mines, once primed, could no longer be controlled. In north-west Cambodia, 58 per cent of those injured by mines were civilians. In Angola, such weapons accounted for 50 per cent of victims, and children were especially exposed. In 1991, in the hospital of Hargeisa in Somalia, 74.6 per cent of those injured by mines had been between 5 and 15 years of age.

101. In most developing countries, amputees placed a heavy burden on family and society. Whereas in the United States of America, there was one amputee in every 22,000 people, in Cambodia, the figures were 1 in 236; in Angola, 1 in 470; in northern Somalia, 1 in 1,000; and in Viet Nam, 1 in 2,500. Anti-personnel mines were also a major obstacle to economic development, in that they had an adverse impact on commercial activities and, as such, on production as a whole. In Cambodia, the rice deficit was several hundred thousand tons, and in Angola, thousands of acres of agricultural land and thousands of kilometres of watercourses had been rendered unusable by mines.

102. The situation was particularly serious in Afghanistan, Angola, Cambodia and northern Somalia. Mine-clearing operations in agricultural and grazing areas would make it possible for people there to resume use of their land, but all the countries affected lacked the financial resources and qualified personnel to undertake such work. Whereas the cost of an anti-personnel mine was between US$ 3 and 20, its removal cost between $300 and 1,000. In Afghanistan, the United Nations estimated that it would cost $1 million per square kilometre, and in Cambodia at least $10 million annually must be allocated over the next 10 years for clearing mines.

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* The list of non-governmental organizations concerned appears as an annex to this summary record.

103. In view of the above, a total ban on the production, sale and use of anti-personnel mines represented the sole effective solution. Such mines must be classified as weapons of mass destruction that were just as dangerous for mankind as chemical and biological weapons.

104. The non-governmental organizations he represented called upon all countries that had not yet done so to ratify the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects and to participate fully in the review conference of that Convention convened by the Secretary-General; to support at the review conference the total prohibition of the production, sale and use of all types of anti-personnel mines; to envisage immediate unilateral measures to declare a five-year moratorium on the production, sale, transfer and exportation of anti-personnel mines and all related military or commercial assistance; and to cooperate at all levels in mine-clearing operations, campaigns to heighten the awareness and train populations at risk and on the medical, psychological and socio-economic rehabilitation of the victims.

105. He urged the Commission to convey to the Economic and Social Council, the General Assembly and the Secretary-General its conviction that there could be no respect for human rights and the Geneva Conventions where anti-personnel mines were widespread and that the complete prohibition of their production and use was the only effective way of halting that flagrant and massive violation of international law; to consider the question of anti-personnel mines at its fifty-first session, following the submission of the study requested by General Assembly resolution 48/157 entitled "Protection of children affected by armed conflicts"; and to invite all the United Nations treaty bodies to raise the subject of anti-personnel mines wherever appropriate.

106. Ms. GRAF (International League for the Rights and Liberation of Peoples) said that her organization wanted to alert the Commission to the traumatic plight of the people of Acheh. A pattern of extrajudicial executions on a massive scale had begun to emerge as early as July 1990, when 6,000 Indonesian soldiers had been sent into the area. The killings had a number of similar features: the bodies of the victims were often found in public places; most bodies showed signs of torture; facial features were no longer recognizable; a distinctive knot was used in the bonds tying thumbs and feet; and the majority of the corpses appeared in Acheh Utara and Acheh Timur.

107. In November 1990, the Indonesian commander for Acheh had admitted that the knot had been developed and employed by the military, but maintained that the rebels had been using it in order to confuse and terrorize the public. The report of the United Kingdom's Parliamentary Human Rights group in March 1993 estimated that, from January 1990 until January 1992, between 10,000 and 20,000 civilians had been murdered by members of the Indonesian army.

108. She called upon the Government of Indonesia to cease its policy of criminal aggression against the Achinese people and to prohibit explicitly all extrajudicial, arbitrary and summary executions. She urged the international

community to recognize the right to self-determination of the Achinese people and to condemn the human rights violations there with the same vigour as it had the massacre in East Timor.

109. The situation in Haiti gave cause for great concern, not only because the leaders of the coup d'état remained in power and the human rights violations were continuing, but above all because of the action of the United Nations. The role played by the Special Envoy of the Secretary-General for Haiti in drafting and implementing the amnesty decree, which granted impunity for crimes committed by the members of the military involved in the coup, was deeply alarming.

110. Between July and September 1993, the joint Organization of American States - United Nations International Civilian Mission had counted more than 100 murders and 40 disappearances in Port-au-Prince and had established the existence of paramilitary groups led by the army and political leaders close to the Duvalier regime. The Special Envoy had ordered the joint Mission to leave because it was interfering with the setting up of a transition policy based on impunity and because its reports had continuously denounced the high command of the Haitian armed forces. By endorsing impunity, the United Nations was violating international law and abdicating in favour of the United States Government, which was in no hurry to chase the leaders of the coup from power as long as the regime protected its strategic and economic interests in the region.

111. In Colombia, human rights organizations were currently being subjected to military and paramilitary repression. More than 2,000 members of the Patriotic Union had been murdered or had disappeared since 1987. The country was in a de facto state of emergency. Since 1991, more than 60 emergency decrees violating human rights had been converted into permanent legislation. Habeas corpus had been virtually abolished, and it had been made easier for the police and the military to detain without a warrant.

112. The improvements contained in the new Constitution had thus been annulled. The Government had not complied with any of the recommendations made by the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Working Group on Enforced or Involuntary Disappearances or the Inter-American Commission of Human Rights, that had all called upon Colombia to reform the security forces, restrict military jurisdiction to purely military offences and repeal emergency legislation that violated basic human rights.

113. From 1988 to 1992, the Centre for Human Rights had made its advisory services available to the Government of Colombia, but no improvement in the situation had been noted. The mission that had evaluated those services had formulated recommendations intended for the forty-ninth session of the Commission, but oddly enough, its report had not been published until 6 September 1993; thus, the members of the Commission had not seen it in time, although they had had access to an unofficial document distributed at the request of the Colombian Government.

114. As the situation had not improved in recent years, the international community must play a more vigilant role. She called upon the Commission to appoint at its current session a special rapporteur on the situation of human rights in Colombia and to include consideration of the situation of human rights in that country under item 12 of its agenda.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued)

115. Mr. TARBATABAEE (Islamic Republic of Iran) said that a surprisingly long joint statement had been made at the previous meeting, lasting about one hour and covering the human rights situations in about 100 States. Such joint statements, on behalf of groups of members or non-members, had been encouraged in the discussions on the rationalization of the work of the Commission. Since, however, there was no clear reference to such practices in the Commission's rules of procedure, he would like the Chairman to inform the Commission how much time he intended to allot to second statements by members or observers speaking individually which had already associated themselves with an earlier joint statement.

116. The CHAIRMAN said that, in keeping with the practice in the Commission, such second statements would be limited to 10 minutes.

The meeting rose at 1.05 p.m.

Annex

List of non-governmental organizations sponsoring the statement by the International Federation Terre des Hommes, under agenda item 12

Disabled Peoples' International

World Federation of Methodist Women

Third World Movement Against the Exploitation of Women

International Council of Jewish Women

International Alliance of Women

International Movement against All Forms of Discrimination and Racism

Centre Europe-Tiers Monde

International Association for the Defence of Religious Liberty

International Federation of ACAT (Action of Christians for the Abolition of Torture)

International League for the Rights and Liberation of Peoples

World Confederation of Labour

Latin American Federation of Associations of Relatives of Disappeared Detainees

International Organization for the Elimination of All Forms of Racial Discrimination

American Association of Jurists

International Educational Development

World Union of Catholic Women's Organizations

International Federation of Social Workers

International Movement for Fraternal Union among Races and Peoples

African Association of Education for Development

Women's International Zionist Organization

International Association of Penal Law

International Fellowship of Reconciliation

Service Peace and Justice in Latin America

International Indian Treaty Council

World Christian Life Community

Association for the Prevention of Torture

Pax Christi International

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